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REVIEW CONFERENCE ON THE UNITED NATIONS CONVENTION
ON A CODE OF CONDUCT FOR LINER CONFERENCES
Resumed Session
Geneva, 21 May 1991
Agenda item 6

ORGANIZATION OF THE WORK OF THE RESUMED SESSION OF THE REVIEW CONFERENCE

Supplementary annotations to the agenda and suggestions for the organization of the work of the resumed session of the Conference

Note by the UNCTAD secretariat

I. INTRODUCTION

1. The United Nations Review Conference on the Convention on a Code of Conduct held its first session in Geneva from 31 October to 18 November 1988. The report on this session was issued as document TD/CODE.2/7 of 5 January 1989.

2. At its first meeting on 31 October 1988, the Conference elected Mr. L.M.S. Rajwar (India) as President. The Conference, at its fourth meeting, on 10 November 1988, elected Mr. Boniface Pagawagnaba (Cote d'Ivoire) as Rapporteur, and at its sixth meeting elected 12 Vice-Presidents as follows - Bulgaria, China, Denmark, France, German Democratic Republic, Indonesia, Kenya, Morocco, Norway, Saudi Arabia, Trinidad and Tobago, and Uruguay.

3. With differences among States on the rules of procedure continuing to remain unresolved, at its fourth meeting on 10 November 1988, the Conference adopted the provisional agenda set out in document TD/CODE.2/1 and commenced a debate on the substantive issues relating to items 8 and 9 of the agenda. The full agenda as adopted is as follows -

1. Opening of the Conference
2. Election of the President
3. Adoption of the rules of procedure
4. Election of other officers
5. Adoption of the agenda
6. Organization of the work of the Conference
7. Credentials:
   (a) Appointment of a Credentials Committee;
   (b) Report of the Credentials Committee
8. General review of the implementation and the working of the Convention
9. Consideration of specific issues relating to the Convention and its implementation:
   (a) Technological and structural changes in world liner shipping;
   (b) Scope of application;
   (c) Reservations;
   (d) Modalities of implementation;
   (e) Non-conference lines;
   (f) Resolution No. 3 on local conciliation;
   (g) Other issues
10. Consideration of possible guidelines relating to the interpretation and the implementation of the provisions of the Convention and of possible recommendations concerning the activities of non-conference lines
11. Consideration of proposals for amendments to the Convention
12. Consideration of final documents and resolutions
13. Future Review Conferences
14. Any other business
15. Adoption of the report of the Conference and of final documents and resolutions
16. Closure of the Conference

4. At the fourth meeting, the Conference also established two Main Committees and approved the allocation of items to them, suggested in TD/CODE.2/1, as follows -

First Committee

Items 9(b), 9(c), 9(e), 10 and 11.

Second Committee

Items 9(a), 9(d), 9(f), 9(g).

The Second Committee was also asked to consider agenda items 10 and 11 as they related to the work of the Committee.

5. At its fourth meeting, the Conference also elected as Chairman of the First Committee, Ms. Christine Girndt (German Democratic Republic) and as Chairman of the Second Committee, Mr. H. P. T. de Jong (Netherlands). The First and Second Committees elected Mr. Michel Meynet (France) and Mr. S. Boissy (Senegal), respectively, as Vice-Chairmen cum-Rapporteur.

6. At the closure of its session on 18 November 1988, the Conference adopted a decision which, while noting that the deliberations so far had permitted a broadly-based exchange of views regarding the interpretation of certain provisions of the Convention and of the modalities of its implementation and recognizing that on many substantive and procedural issues there remained a divergence of views among States participating in the Conference, called for a resumed session in order for the Conference to complete its task. Accordingly, it requested the Secretary-General of the United Nations to convene a resumed session of the Conference provided prior agreement among all States entitled to attend the Review Conference had been reached on all outstanding questions relating to the rules of procedure. The President of the Conference and the Secretary-General of UNCTAD were requested to undertake consultations to that end.

7. A process of consultations which was initiated immediately after adjournment of the Review Conference was eventually brought to a conclusion when, in accordance with the provisions of paragraph 5 of the resolution referred to in paragraph 6 above, a meeting of representatives of States entitled to attend the Review Conference, held at the Palais des Nations, Geneva, on 5 March 1991, approved and recommended to the resumed session of the Conference for adoption a revised set of provisional rules of procedure which also included as an appendix to the

rules, a declaration incorporating a "Gentleman's Agreement" relating to the mandate of the Review Conference and a supporting statement relating thereto to be placed on record by the Senior Legal Adviser of UNCTAD. The revised provisional rules of procedure together with the above-mentioned appendix are reproduced as document TD/CODE.2/2/Rev.1. The report of the meeting of 5 March 1991 is reproduced as document TD/CODE.2/9.

II. SUPPLEMENTARY ANNOTATIONS TO THE AGENDA

8. A set of annotations to the draft provisional agenda of the Review Conference were set out in document TD/CODE.2/1 as amended by TD/CODE.2/1/Corr.1. The annotations to items 8 to 13, which deal principally with the substantive questions to be examined by the Review Conference, continue to be applicable to the resumed session as well. In further examining the substantive items of the agenda, the resumed session may wish to take note of these annotations as well as of the discussions that took place at the first session of the Conference in 1988, as set out in the Report of the Conference (TD/CODE.2/7).

9. With regard to the procedural items on the agenda, particularly items 1, 2, 3, 4, 6 and 7, the following further annotations are offered -

Item 1: Opening of the resumed session

The resumed session of the Conference will be opened at 11 a.m. on Tuesday, 21 May 1991 by the Secretary-General of UNCTAD or his representative.

Item 2: Election of the President

On October 31, 1988, Mr. L.M.S. Rajwar (India) was elected President of the Conference. Since his retirement from the Indian public service at the end of 1989, Mr. Rajwar is no longer a member of the Indian delegation to the Conference. In accordance with the recommendation of the meeting of representatives of States entitled to attend the Review Conference, held in Geneva on 5 March 1991, the Conference may wish to confirm Mr. Rajwar's continuation as independent President of the Conference.

Item 3: Adoption of the rules of procedure

The Conference may wish to adopt the revised provisional rules of procedure, together with the Declaration incorporating the "Gentleman's Agreement" on the mandate of the Conference, as set out in TD/CODE.2/2/Rev.1. The Senior Legal Adviser of UNCTAD may be invited to place on record the supporting statement to the Declaration.

Item 4: Election of other officers

Rule 6 of the revised provisional rules of procedure provide for the election of 14 Vice-Presidents. Twelve Vice-Presidents were elected at the first session.

Under Rule 6, the Conference may wish to fill the vacant posts of Vice-President and such other vacancies to posts as may become evident at the opening of the Conference.

However, the Chairman of the Legal Drafting Committee may be elected if and when such a Committee is established, in accordance with the provisions of rule 48.

Item 6: Organization of the work of the Conference

Suggestions for the organization of the work of the Conference at its resumed session are set out in parts III and IV of this paper.

Item 7: Credentials Committee

Rule 4 of the revised provisional rules of procedure provides for a Credentials Committee of nine members to be appointed from among States participating in the Conference, with due regard to equitable geographical distribution.

Rule 4 further provides for the Credentials Committee to examine the credentials of representatives and report to the Conference without delay.

III. SUGGESTIONS FOR THE ORGANIZATION OF THE WORK OF THE CONFERENCE AT ITS RESUMED SESSION

10. A period of three weeks from 21 May to 7 June 1991 has been provided for the resumed session of the Conference.

11. The first and second meetings of the Plenary on 21 May may wish to deal with the agenda items 1, 2, 3, 4, 6 and 7 (a). The third and fourth meetings of the Plenary on 22 May may be used for general statements by delegations with regard to items 8, 9, 10 and 11 of the agenda.

12. Thereafter it is suggested that the two main Committees may proceed to a substantive discussion of agenda item 9, "Consideration of specific issues relating to the Convention and its implementation", in accordance with the allocation of sub-items agreed to at the first session of the Conference. It is further suggested that the debate on item 9 in the two main Committees be brought to a close at the end of the first week of the Conference.

13. It is suggested that the second week of the resumed session be devoted entirely to the consideration of proposals under agenda items 10, 11 and 12. In accordance with the provisions of article 48, a Legal Drafting Committee may be established in the course of the second week.

14. The first three working days of the third week may be utilized for completing the work on agenda items 10, 11 and 12, as necessary, through a Contact Group of the President, leaving the fourth day free for the processing of documents. The final plenary on the last working day may deal with agenda items 7 (b) and 13 to 16.

IV. TENTATIVE SCHEDULE OF MEETINGS

15. In accordance with the suggestions set out in section III of this document, the following tentative schedule of meetings is proposed -

First Week	Morning	Afternoon
Tuesday, 21 May	Plenary (items 1, 2, 3, 4, 6 and 7 (a))	Plenary (items 2, 3, 4, 6 and 7 (a))
Wednesday, 22 May	Plenary (items 8 and 9)	Plenary (items 8 and 9)
Thurdsay, 23 May) Friday, 24 May)	Committees I and II (item 9)	Committees I and II (item 9)
Second Week		
Monday, 27 May) Tuesday 28 May) Wednesday 29 May)	Committees I and II (items 10, 11 and 12)	Committees I and II (items 10, 11 and 12)
Thursday 30 May) Friday 31 May)	Committees I, II and Legal Drafting Committee* (items 10, 11 and 12)	Committees I, II and Legal Drafting Committee* (items 10, 11 and 12)
Third Week		
Monday, 3 June) Tuesday, 4 June) Wednesday, 5 June)	Legal Drafting Committee and Contact Group (items 10, 11 and 12)	Legal Drafting Committee and Contact Group (items 10, 11 and 12)
Thursday, 6 June	Time to be allowed for the processing of documents	
Friday, 7 June		Plenary (items 7(b), 13, 14, 15 and 16)

*Note: Facilities for only two simultaneous meetings with full interpretation are available on all days.

14. It is suggested that the above schedule of meetings be kept under close and continuous review so that the meetings may be rescheduled in the light of the progress of work achieved.

15. Limited facilities for such geographical group meetings of delegations as may be required will be provided in the light of available facilities.

V. DOCUMENTATION

A. Basic documents for the Resumed Session of the Review Conference

The basic documentation for the Review Conference will be:

TD/CODE/13/Add.1 and Corr.1 (E and A only) and Corr.2 (F only)	Contains the Final Act (including the Convention and resolutions and tonnage requirements) of the United Nations Conference of Plenipotentiaries on a Code of Conduct for Liner Conferences
TD/CODE.2/1 and Corr.1 (E only) and Corr.2 (R only)	Draft Provisional Agenda, annotations to the draft provisional agenda and suggestions for the organizations of the work of the Conference
TD/CODE.2/2/Rev.1	Revised Provisional Rules of Procedure
TD/CODE.2/3 and Add.1	Views of Governments on the Review Conference
TD/CODE.2/4	Issues for the Review Conference
TD/CODE.2/6	Agenda
TD/CODE.2/7	Report of the Review Conference on the United Nations Convention on a Code of Conduct for Liner Conferences
TD/CODE.2/8	Organization of the Work of the Resumed Session of the Review Conference
TD/CODE.2/9	Report of the Meeting of Officials of States entitled to attend the Review Conference pursuant to paragraph 5 of Resolution I adopted by the Review Conference on 18 November 1988

B. Background documents

The following previously published documents provide useful information relevant to the work of the Review Conference:

TD/B/C.4/300 and Corr.1	Review of the implementation of the Convention on a Code of Conduct for Liner Conferences
UNCTAD/ST/SHIP/2	Supplementary material to TD/B/C.4/300
UNCTAD/ST/SHIP/1	Guidelines towards the application of the Convention on a Code of Conduct for Liner Conferences